

EXHIBIT 46

Status Report of the *Nunez* Independent Monitor

June 30, 2022

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Introduction

This report is the first filed by the Monitoring Team since the Action Plan was ordered by the Court on June 14, 2022 (dkt. 465), just three weeks ago. The jails remain dangerous and unsafe, and the conditions are volatile. While some progress has been made in addressing staff absenteeism and the conditions at RNDC, and the Commissioner is in the process of overhauling the Department's leadership structure, and the Trials Division is processing more disciplinary cases than ever before, the overall situation in the jails remains chaotic and incidents involving serious harm and tragic fatalities are all too frequent. This year alone, nine incarcerated individuals have died.

This report provides an overview of the Action Plan, a summary of the current state of affairs, and a discussion about the Department's efforts to address the staff disciplinary backlog. Given that the Action Plan has only been in effect for less than three weeks, a comprehensive analysis of each provision of the Action Plan is premature. Instead, the goal of this report is to provide an update on the conditions that gave rise to the Action Plan and the Third Remedial Order. These conditions include Department leadership, staff absenteeism, the use of force and level of violence, and the current status of several jails where dangerous conditions warrant heightened scrutiny. The final section of this report discusses the Department's recent efforts to process the staff disciplinary backlog.

In addition, an Appendix to this report provides trend data on key outcomes over the prior six years, 2016 through 2021. These data illustrate the conditions at the time the Consent Judgment went into effect through the apex of the current crisis. This data provides a useful context for the more recent qualitative and quantitative data that is discussed throughout the narrative section of this report.